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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,192	11/21/2001	Richard G. Sheets	37809-0018	9322

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EXAMINER

CINTINS, IVARS C

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 01/29/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/989,192

Applicant(s)

Sheets

Examiner

Ivars Cintins

Art Unit

1724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Nov 15, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 21-44 is/are pending in the application.
- 4a) Of the above, claim(s) 21-24 and 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claims 25-32 and 34-44 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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Applicant's election of the process of Group II in Paper No. 6 is acknowledged. Because Applicant did not distinctly and specifically point out the supposed errors in the restriction requirement between method and apparatus, the above noted election has been treated as an election without traverse (see MPEP § 818.03(a)). Claims 21-24 and 33 are withdrawn from further consideration, as being directed to a non-elected invention (i.e. apparatus).

Also, in view of Applicant's arguments contained in the response filed November 15, 2002 (Paper No. 6), the election of species requirement advanced in the previous Office action is hereby withdrawn.

However, a further restriction between the different processes of Group II is now required under 35 U.S.C. 121:

(IIa) Claims 25 and 26 drawn to a method for removing microbial contaminants from a batch of sludge, classified in class 210, subclass 758.

(IIb) Claims 27 and 28 drawn to a method for removing organic molecules from a batch of sludge, classified in class 210, subclass 749.

(IIc) Claims 29-32 drawn to a method for reclaiming dredged material, classified in class 210, subclass 747.

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(IIId) Claims 34 and 35 drawn to a method for destroying an aromatic compound in sludge, classified in class 210, subclass 749.

(IIe) Claims 36 and 37 drawn to a method for chemically converting a reactant, classified in class 210, subclass 749.

(IIIf) Claims 38-42 drawn to a method for solubilizing and removing a toxic metal from sludge, classified in class 210, subclass 749.

(IIIg) Claims 43 and 44 drawn to a method for treating a batch of sludge, classified in class 210, subclass 749.

The methods as grouped above are independent and/or distinct from one another for the following reasons:

(1) the method for removing microbial contaminants from a batch of sludge of group IIa does not require the organic molecule removal treatment of group IIb; the plastic barrier covering treatment of group IIc; the aromatic compound removal treatment of group IIId; the carbonate/bicarbonate ion treatment of group IIe; the solubilizing treatment of group IIIf; and the round protrusion container wall treatment of group IIg.

(2) the method for removing organic molecules from a batch of sludge of group IIb does not require the microbial contaminant removal treatment of group IIa; the plastic barrier covering treatment of group IIc; the carbonate/bicarbonate free radical

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treatment of group IIId; the carbonate/bicarbonate ion treatment of group IIe; the solubilizing treatment of group IIIf; and the round protrusion container wall treatment of group IIg.

(3) the method for reclaiming dredged material of group IIc does not require the microbial contaminant removal treatment of group IIa; the organic molecule removal treatment of group IIb; the carbonate/bicarbonate/bromine/sodium ion treatment of group IIId; the carbonate/bicarbonate ion treatment of group IIe; the solubilizing treatment of group IIIf; and the round protrusion container wall treatment of group IIg.

(4) the method for destroying an aromatic compound in sludge of group IIId does not require the microbial contaminant removal treatment of group IIa; the organic molecule removal treatment of group IIb; the plastic barrier covering treatment of group IIc; the reactant converting treatment of group IIe; the solubilizing treatment of group IIIf; and the round protrusion container wall treatment of group IIg.

(5) the method for chemically converting a reactant of group IIe does not require the microbial contaminant removal treatment of group IIa; the organic molecule removal treatment of group IIb; the plastic barrier covering treatment of group IIc; the bromine/sodium ion treatment of group IIId; the solubilizing

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treatment of group II<sub>f</sub>; and the round protrusion container wall treatment of group II<sub>g</sub>.

(6) the method for solubilizing and removing a toxic metal from sludge of group II<sub>f</sub> does not require the microbial contaminant removal treatment of group II<sub>a</sub>; the organic molecule removal treatment of group II<sub>b</sub>; the plastic barrier covering treatment of group II<sub>c</sub>; the aromatic compound removal treatment of group II<sub>d</sub>; the carbonate/bicarbonate ion treatment of group II<sub>e</sub>; and the round protrusion container wall treatment of group II<sub>g</sub>.

(7) the method for treating a batch of sludge of group II<sub>g</sub> does not require the vacuum treatment of group II<sub>a</sub>; the electrochemically activated water preparation of group II<sub>b</sub>; the plastic barrier covering treatment of group II<sub>c</sub>; the carbonate/bicarbonate/bromine/sodium ion treatment of group II<sub>d</sub>; the carbonate/bicarbonate ion treatment of group II<sub>e</sub>; and the solubilizing treatment of group II<sub>f</sub>.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and divergent subject matter, and because the searches for the individual Groups are not coextensive, restriction for examination purposes as indicated is proper.


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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. David Simmons, can be reached at (703) 308-1972.

The fax phone numbers for this art unit are: (703) 872-9311 for "Official" faxes after Final Rejection; (703) 872-9310 for all other "Official" faxes; and (703) 872-9492 for "Draft" and other "Unofficial" faxes.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

  
**Ivars C. Cintins**  
**Primary Examiner**  
**Art Unit 1724**

I. Cintins  
January 24, 2003